

PROB 12A
(7/93)

United States District Court
for
District of New Jersey
Report on Offender Under Supervision

Name of Offender: FOSTER, Mitchell

Cr.: 09-00165-001
PACTS #: 34505

Name of Sentencing Judicial Officer: Honorable J. Daniel Breen, U.S. District Judge - Western District of Tennessee

Date of Original Sentence: 02/18/04

Original Offense: Count One: Conspiracy to Unlawfully Possess With Intent to Distribute in Excess of 500 Grams of Cocaine; Count Three: Conspiracy to Unlawfully Import in Excess of 500 Grams of Cocaine

Original Sentence: 30 months imprisonment; four years supervised release; \$200 special assessment. Special conditions (original): 1) drug treatment/urinalysis; 2) obtain/maintain full-time employment; and 3) financial disclosure and no new debt. Special Conditions (modified): 1) two (2) months community confinement; 2) domestic violence counseling; and 3) mental health treatment.

Type of Supervision: Supervised Release

Date Supervision Commenced: 06/29/06

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

Violation Number

Nature of Noncompliance

1

Foster was discharged from the Community Confinement Center (Toler) as a "program failure."

On April 15, 2009, the offender self-surrendered to Toler to commence his 2-month sanction. He was discharged as a "program failure" on June 14, 2009. He satisfied the required duration of community confinement, but failed to adhere to Toler protocol. Specifically, Foster failed to make any subsistence payments and possessed a cellular phone in a restricted area.

2

Foster is perpetually tardy in the submission of monthly written reports.

U.S. Probation Officer Action: Probation will present this document to Foster as a formal reprimand issued under the authority of the Court. The acts detailed within may be included in a violation report if the Probation Office deems fit and non-compliance continues.

Respectfully submitted,

By: Joseph Empirio
U.S. Probation Officer

Date: 07/28/09

☒ Other - U.S. Probation Officer will present this document to the defendant as a formal written reprimand, issued with the approval and under the authority of the United States District Court.

☐ Submit a Request for Warrant or Summons


Signature of Judicial Officer


Date

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER
DEPUTY CHIEF PROBATION OFFICER
THOMAS C. MILLER

July 28, 2009

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Honorable Stanley R. Chesler, U.S. District Judge
Martin Luther King Jr. Federal Building and Courthouse
P.O. Box 0999
Newark, New Jersey 07102

RE: **FOSTER, Mitchell**
Dkt. No.: 09-00165-001
Notice of Non-Compliance -
Written Reprimand Recommended

Dear Judge Chesler:

On February 18, 2004, Mitchell Foster was sentenced in the Western District of Tennessee to 30 months imprisonment, followed by a four-year term of supervised release, for multiple drug-related offenses. The offender was ordered to abide by the following special conditions: 1) drug treatment/urinalysis; 2) obtain/maintain full-time employment; and 3) financial disclosure and no new debt. Foster has been supervised by this office since his release from custody on June 29, 2006. On March 10, 2009, Your Honor signed a *Probation Form 22* executing the transfer of jurisdiction to the District of New Jersey.

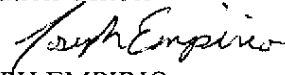
As Your Honor will recall, on March 22, 2009, a *Probation Form 12B* was signed modifying Foster's conditions to include: 1) two (2) months community confinement; 2) domestic violence counseling; and 3) mental health treatment. This petition was the result of new criminal conduct and technical non-compliance.

On April 15, 2009, Foster self-surrendered to Toler House to commence his 2-month sanction. He was discharged as a "Program Failure" on June 14, 2009. He satisfied the required duration of community confinement, but failed to adhere to Toler protocol. Specifically, Foster failed to make any subsistence payments and possessed a cellular phone in a restricted area. Absent this unsatisfactory discharge from Toler, Foster has remained in general compliance since the March 2009 petition was filed. He is enrolled in domestic violence counseling and is gainfully employed. However, he is perpetually tardy in the submission of monthly written reports. The Probation Office recommends presentation of the attached Probation Form 12A to Foster as a written reprimand issued under the authority of the Court. Hopefully, the offender will respond to Your Honor's written reprimand and conform to the conditions of release.

If the Court agrees with our recommendation, please sign and docket the attached Form 12A and return the document to the attention of the undersigned. If your Honor requests an alternative course of action, please advise. We will make ourselves available should the Court wish to discuss this matter.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer


By: JOSEPH EMPIRIO
U.S. Probation Officer

/jae
Attachment(s)